

FORM PTO-1390 (Modified)  
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

CLASSIFICATION 1470-2

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/155252

INTERNATIONAL APPLICATION NO.  
PCT/US96/05465INTERNATIONAL FILING DATE  
18 April 1996PRIORITY DATE CLAIMED  
25 April 1995

## TITLE OF INVENTION

SELECTIVE MODULATORS OF PEROXISOME PROLIFERATOR ACTIVATED RECEPTOR-GAMMA, AND  
METHODS FOR THE USE THEREOF

APPLICANT(S) FOR DO/EO/US

RONALD M. EVANS et. a.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

Petition to Revive  
Post Card

09155252-092198

U.S. APPLICATION NO. (IF KNOWN, SEE 3

INTERNATIONAL APPLICATION NO.

PCT/US96/05465

ATTORNEY'S DOCKET NUMBER

SALK1470-2

20. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

- ☐ Search Report has been prepared by the EPO or JPO ..... \$930.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$720.00
- ☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$790.00
- ☒ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1,070.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$98.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$1,070.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	23 - 20 =	3	x \$22.00	\$66.00
Independent claims	4 - 3 =	1	x \$82.00	\$82.00
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00

**TOTAL OF ABOVE CALCULATIONS =**

\$1,348.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

☒

\$674.00

**SUBTOTAL =**

\$674.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

+

\$0.00

**TOTAL NATIONAL FEE =**

\$674.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☒

\$120.00

**TOTAL FEES ENCLOSED =**

\$794.00

Amount to be:

refunded

\$

charged

\$

- ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- ☒ Please charge my Deposit Account No. **07-1895** in the amount of \$1,454.00 to cover the above fees. A duplicate copy of this sheet is enclosed. (above amount includes \$660.00 petition fee)
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **07-1895** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Stephen E. Reiter, Esq.  
GRAY CARY WARE & FREIDENRICH  
4365 Executive Drive, Suite 1600  
San Diego, California 92121-9931  
(619) 677-1409 Telephone  
(619) 677-1465 Facsimile

SIGNATURE

Stephen E. Reiter

NAME

31,192

REGISTRATION NUMBER

DATE

9/21/98



Applicant: Ronald M. Evans et al.

Attorney Docket No. SALK1470-2

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EM299800557US  
 DATE OF DEPOSIT: September 21, 1998

I HEREBY CERTIFY THAT THIS TRANSMITTAL LETTER ALONG WITH A PETITION, A VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS, TWO DECLARATIONS, THREE ASSIGNMENTS WITH RECORDATION COVER SHEETS, AND RETURN POSTCARD ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND ADDRESSED TO BOX DAC, OFFICE OF PETITIONS, PCT LEGAL ADMINISTRATOR, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TAE KIM  
 TYPE OR PRINTED NAME OF PERSON MAILING PAPERS  
[Signature]  
 Signature

PTO/PCT Rec'd 21 SEP 1998

#2

PATENT  
Attorney Docket No.: SALK1470-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

22 APR 1999

Legal Staff  
International Division

In Re Application of:

) Group Art Unit: Unassigned

)  
) Based on The Salk Institute for Biological Studies  
) et al.

) Examiner: Unassigned

)  
) Based on Serial No.: PCT/US 96/05465

) CERTIFICATION UNDER 37 CFR §1.8

)  
) Filed: April 18, 1996

) I hereby certify that the documents referred to as enclosed  
) herein are being deposited with the United States Postal  
) Service as first class mail on this date September 21, 1998, in  
) an envelope addressed to: Assistant Commissioner for  
) Patents, Washington, D.C. 20231

For: SELECTIVE MODULATORS OF  
PEROXISOME PROLIFERATOR  
ACTIVATED RECEPTOR-GAMMA,  
AND METHODS FOR THE USE  
THEREOF

)  
) STEPHEN E. REITER REG. NO. 31,192  
) (Name of person mailing paper)

) [Signature] 9/21/98  
) Signature Date

Box DAC  
Office of Petitions, PCT Legal Administrator  
Assistant Commissioner of Patents  
Washington, D.C. 20231

PETITION TO THE PCT LEGAL ADMINISTRATOR UNDER 37 CFR § 1.137(b)  
FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION  
FILED UNDER THE PATENT COOPERATION TREATY (PCT)

Sir:

06/17/1999 WCLAYBRO 00A Applicants submit this Petition to the PCT Legal Administrator under 37 C.F.R. § 1.137(b)  
01 76:241 660.00 EU 07133252  
for revival of the above-identified application filed under the Patent Cooperation Treaty ("PCT Application"), which was unintentionally abandoned on October 25, 1997. The PCT Application became abandoned for failure to pay the basic national fee on or before October 25, 1997.

The fee for filing a petition for revival of an unintentionally abandoned application ("Petition Fee") is \$660.00 based on Small Entity Status (see 37 CFR §1.732 (b)). This petition is

Applicants: Ronald M. Evans et al.  
PCT Appl. No. PCT/US96/05465  
Filed: April 18, 1996  
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PATENT  
Attorney Docket No. SALK1470-2

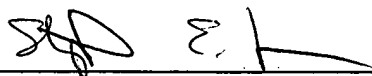
being filed within one year of the date of the unintentional abandonment as required under 37 C.F.R. § 1.137(b).

A copy of the PCT Application as filed has been transmitted to the United States Patent and Trademark Office by the International Bureau. The basic national fee required to be submitted for the PCT Application, which is an international application entering the national stage where neither the international preliminary examination fee (under 37 CFR§1.682) nor the international search fee (under 37 CFR§ 1.445 (a) (2) has been paid to the United States Patent and Trademark Office, is Six Hundred Seventy Four Dollars (\$674.00) based on Small Entity Status (see 37 CFR § 1.492(a)(2)).

The Assistant Commissioner of Patents (and the Assistant Commissioner's designated agents) is hereby authorized, empowered and directed to charge the amount of (1) the national fee due under 37 CFR § 1.492 in the amount of \$674.00, (2) the fee for Recordation of three (3) assignments of \$120.00, and (3) the Petition Fee under 37 CFR § 1.17(m) in the amount of \$660.00, for a total of \$1,454.00, together with any additional fees deemed necessary in connection with the filing of this petition, and credit any overpayment, to Deposit Account No. 07-1895. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: 9/21/98



Stephen E. Reiter  
Registration No. 31,192  
Telephone: (619) 677-1409  
Facsimile: (619) 677-1465

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